IN THE HIGH COURT OF JUDICATURE AT BOBBY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1462 OF 1994
WITH
WRIT PETITION NO. 1804 OF 1994
WITH
WRIT PETITION NO. 1805 OF 1994

Chief Officer, Miraj Nagar Parishad, Miraj, Dist.Sangli & anr .. Petitioners

Vs.

The Administrative Officer Municipal Primary Education Circle, Dist. Sangli and ors. .. Respondents

Mr. N.V. Walawalkar for Petitioners in all the three petitions.

Mr. S.G. Page for Respondent Nos.1 and 2 in all the three petitions.

Mr. S.K. Chinchalikar, AGP for Respondent No.3 in all the three petitions.

Mr. Uday Warunjikar for Respondent Nos.5 to 30 in W.P. No.1462 of 94, for Respondent Nos.5 to 15 in W.P. No.1804 of 1994 and for Respondent Nos.5 to 10 in W.P. No.1805 of 1994.

CORAM: **B.H. MARLAPALLE,J.**

DATED: **JUNE 9, 2005**

ORAL JUDGMENT:

1. The Respondent Nos.5 onwards in these petitions were appointed as Peons under the Municipal Primary Education Circle, Municipal School Board at Miraj, Dist. Sangli and on account of non approval to the said appointment by the Municipal Council at Miraj, their

services came to be terminated within a period of about seven months from the date of appointment. The termination orders were challenged before the Labour Court by filing complaints of unfair labour practice under Item-I of Schedule-IV of the M.R.T.U. and P.U.L.P. Act 1971. These complaints were allowed and the Judgment of the Labour Court was challenged in Revision Application (ULP) Nos.129 to 131 of 1993. By a common Judgment dated 21-2-1994 these revisions came to be dismissed by the Industrial Court, Kolhapur and the same is the subject matter of challenge in these petitions filed by the Miraj Municipal Council.

2. The impugned judgments were also challenged by the Municipal School Board at Miraj in W.P. Nos.3799 of 94, 2165 of 95 and 2170 of 95 and they came to be decided on 19-3-2004 by modifying the order passed by the Labour Court. While upholding the finding of unfair labour practice against the Municipal School Board and allowing the complaints partly, the following directions were issued by this court in its judgment dated 19-3-2004 :-

> (A) The petitioners may discontinue the services of the peons after paying them compensation of Rs.10,000/- each which amount of

compensation will be paid by Sangli Miraj Kupwad Municipal Corporation i.e. newly added respondent no.7.

(B) It is directed that the petitioners and respondent no.7 will not appoint any peons in the Corporation or in the Municipal Schools without first giving an opportunity to the 44 peons who are respondents in these writ petitions and their cases will be considered by giving them relaxation of age.

3. The respondents-complainants had challenged the Judgment dated 19-3-2004 by filing three different LPAs which came to be dismissed in limine and, therefore, they had approached the Supreme Court by filing SLP (Civil) Nos.11005 - 11007 of 2004. All these SLPs came to be dismissed by the Supreme Court on 4-4-2005. Under these circumstances there can be no relief other than the reliefs granted by this court in its judgment dated 19-3-2004. In W.P. Nos.3799 of 94, 2165 of 95 and 2170 of 95 the successor of the petitioners i.e. Sangli Miraj Kupwad Municipal Corporation has been directed to bear the burden of Rs.10,000/- each by way of

compensation and while filling the 44 posts of peons the cases of the respondents-complainants are required to be considered by giving relaxation in age in case some of them are beyond the prescribed age for appointment.

4. In the result, these petitions are disposed of in terms of the directions given by this court in W.P. Nos.3799 of 94, 2165 of 95 and 2170 of 95 as quoted hereinabove. Rule made absolute partly in terms of the above directions but without any order as to cost.

(B.H. Marlapalle,J.)